OVERTIME  N.D. Admin. Code § 46-02-07(2)(4)
- Overtime pay must be paid at one and one-half times the employee’s regular rate of pay for hours worked over forty in any work week.
- A work week is a seven consecutive-day period defined by the employer.
- Overtime is computed on a weekly basis, regardless of the length of the pay period.
- Overtime is based only on hours worked. Paid holidays, paid time off, or sick leave need not be counted in computing overtime hours.
- Compensatory time is not legal in private employment for non-exempt employees — overtime hours may not be “banked” and used for time off in another work week.
- Employees working more than one job under the control of the same employer must have all hours worked counted toward overtime.

Deductions from Pay

- Any recurring deduction authorized in writing.
- Advances paid to employees, other than undocumented cash.
- Recurring deduction authorized in writing.
- A nonrecurring deduction authorized in writing, when the source of the deduction is cited specifically.

Employment at Will  N.D.C.C. § 34-03-01

Employment relationships without a specific term exist at the will of both parties and can be terminated by either party upon notice to the other. No minimum length of notice (for example, a two-week notice) is required. Contracts specifying a term of employment can pre-empt the at-will provision.

Right to Work  N.D.C.C. § 34-01-14

An individual’s right to work may not be denied or abridged due to membership or non-membership in any labor union or labor organization.

Youth Employment  N.D.C.C. ch. 34-07

Employment & Age Certificates (work permits) are required for workers ages 14 & 15 and are available from the Department of Labor, Job Service offices, County School Superintendents’ offices, and local schools.

- Restricted hours for youth age 14 & 15:
  - Maximum hours per day: 3 per school day, 8 per non-school day.
  - Maximum hours per week: 18 per school week (any week in which school attendance is required any part of 4 or more days), 40 per non-school week.
  - May work only between 7a.m.-5p.m. (until 9p.m. from June 1st – Labor Day).
  - Hazardous job duties for youth age 14 & 15.
  - Workers ages 14 & 15 are prohibited from performing certain job duties defined as hazardous in labor law.
An employee employed in a bona fide executive, administrative, or professional capacity.

Employee - an employee whose primary duties consist of:

a. The management of the enterprise or recognized department or subdivision thereof;

b. Directing the work of two or more other employees therein; and

c. Who has the authority to hire or fire other employees, or whose suggestions will be given particular weight.

Executive - an employee whose primary duties consist of:

a. Office or non-manual work directly related to management policies or general business operations; and

b. Who customarily and regularly exercises discretionary and independent judgment.

Professional - an employee whose primary duties consist of:

a. Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a person through extended periods of specialized educational instruction and study as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes;

b. Work that requires the consistent exercise of discretion and judgment in its performance; and

c. Work that is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or routine manual work.

An employee engaged in an agricultural occupation – growing, raising, preparing, or delivering agricultural commodities for market.

An employee spending at least 51% of the employee’s work-time providing direct care to clients of a shelter, foster care, or other such related establishment.

An employee employed in domestic service who resides in the household in which employed.

A straight commission salesperson in retail automobile, trailer, boat, aircraft, truck, or farm implement dealerships unless that salesperson is required to be on the premises for more than forty hours per week.

TAXI DRIVER AND HEALTHCARE OVERTIME PROVISIONS

An employee providing companionship services (fellowship, care, or protection) to aged or disabled individuals. No more than 20% of the hours worked in the week may be household work (cleaning, laundry, or meal preparation).

N.D.C.C. § 34-06-03.1

MEETINGS AND TRAINING TIME

Attendance at lectures, meetings, trainings programs and similar activities need not be counted as working time if all the following criteria are met:

a. Attendance is outside of the employee’s regular working hours.

b. Attendance is in fact voluntary.

c. The course, lecture, or meeting is not directly related to the employee’s job.

d. The employee does not perform any productive work during such attendance.

An earned bonus is an amount paid in addition to a salary, wage, or commission. An earned bonus is compensable when an employee performs the requirements set forth in a contract or an agreement between the parties.

The following types of travel are not considered work time for which an employee must be compensated:

1. Ordinary travel from home to work, 2. Time spent as a passenger on an airplane, train, bus, or automobile outside of regular working hours, 3. Activities that are merely incidental use of an employee-owned vehicle for commuting home to work.

The following types of travel are considered work time for which an employee must be compensated:

1. Travel during regular work hours, 2. Travel on non-work days during regular work hours (regular work hours are those typically worked by an employee on work days), 3. Travel time from job site to job site or from office to job site, 4. The driver of a vehicle is entitled to travel time at any time when required to travel by the employer, 5. One-day assignments performed at the employer’s request (regardless of driver or passenger status).

An employee may require an employee to purchase uniforms if the cost of such uniforms does not bring that employee’s wage below the hourly minimum wage for all hours worked during any pay period.

UNIFORMS

N.D.A. Code § 46-02-07(21)

An employee may not discharge, discipline, threaten, discriminate, or penalize an employee regarding the employee’s compensation, conditions, location, or privileges of employment because:

The employee, or person acting on behalf of an employee, in good faith, reports a violation of federal, state, or local law, ordinance, regulation, or rule to or an employer, a governmental body, or law enforcement official.

An employee is requested by a public body or official to participate in an investigation, a hearing, or an inquiry.

An employee refuses an employer’s order to perform an action that the employee believes violates local, state, or federal law, ordinance, rule, or regulation. The employee must have an objective basis in fact for that belief and shall inform the employer that the order is being refused for that reason.

Public employees shall also see N.D.C.C. ch. 34-11.1 Public Employees Relations Act for further information.

This poster summarizes provisions contained in the ND Minimum Wage & Work Conditions Ordinance North Dakota Administrative Code (N.D. Admin. Code) Chapter 46-02-07, as well as selected provisions of North Dakota Century Code (N.D.C.C.) Title 34 and N.D.C.C. Chapter 14-02-4.